IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1265 (S/S) of 2005

Suresh Chandra Bhatt,
Son of late Sri Bhairav Dutt Bhatt,
Presently serving as Senior Assistant,
in the Office of District Assistant Registrar,
Cooperative Societies, Uttaranchal,
Pithoragarh.

…….Petitioner.

Versus.

1. Registrar, Cooperative Societies, Uttaranchal, Almora.
2. Additional Registrar, Cooperative Societies, Uttaranchal Almora Camp at Dehradun.
3. District Assistant Registrar, Cooperative Societies, Uttaranchal, Pithoragarh.

…….Respondents

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Manoj Tiwari, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has challenged the transfer order dated 30.06.2005 passed by respondent no. 2 i.e. Additional Registrar, Cooperative Societies, Uttaranchal by which the petitioner has been transferred from Pithoragarh to Almora on public interest.

Learned counsel for the petitioner has submitted that petitioner is performing his duties with utmost dedication

and devotion and there is no complaint against him from any quarter. Petitioner is at the verge of retirement and his retirement is due on 28.02.2007 and at the fag end of his service he has been transferred from Pithoragarh to Almora. Petitioner's wife is working as Assistant Teacher in the Primary School, Bisharh, Block – Bin, District – Pithoragarh and her services are non transferable.

Learned counsel for the petitioner has submitted in para 8 of the writ petition that in para 4 (7) of the Government dated order dated 29.04.2005 it is provided that those officers/ employees, who are due to retire within two years, they will be posted in anyone of the three options given by them and in para 8(2) of the said Government Order it is provided that if the husband and wife are in Government Service, than they shall be posted in one District / Town / Place as far as possible.

Learned counsel for the petitioner has further submitted that respondents, without asking for option for transfer, have transferred the petitioner from Pithoragarh to Almora.

Being aggrieved by the impugned transfer order petitioner has made a representation dated 19.07.2005 before respondent no. 2 i.e. Additional Registrar, Cooperative Societies, Uttaranchal Almora Camp at Dehradun and the said representation is still pending before respondent no. 2.

In view of the aforesaid circumstances, it is just and proper to direct the respondent no. 2 to decide the petitioner's representation dated 19.07.2005 within a particular period.

Accordingly, I direct the respondent no. 2 i.e. Additional Registrar, Cooperative Societies, Uttaranchal Almora Camp at Dehradun to decide the representation of the petitioner dated 19.07.2005 with speaking order within a period of three weeks' from the date of production of certified copy of this order along with fresh representation. Till the decision is taken by the respondent no. 2 on the petitioner's representation, petitioner shall not be relieved in case, he has not already been relieved.

With this direction the writ petition is disposed of. No order as costs.

(M.M. Ghildiyal, J.)

September 02, 2005
SKSharma